

Message Text

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TO AMEMBASSY NASSAU

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E.O. 11652: GDS

TAGS: MARR, BF, US

SUBJECT: NAVFAC ELEUTHERA

REFERENCE: NASSAU 895

1. DEPARTMENT APPRECIATES EMBASSY'S REMARKS (REFTEL)
REGARDING THE LEGAL AND POLITICAL BASIS FOR THE OPERATION
OF THE UNDERWATER SURVEILLANCE SYSTEM AT NAVFAC ELEUTHERA.
AS YOU MAY HAVE SURMISED, THE LANGUAGE OF THE 1957 AGREE-
MENT WAS DESIGNED FOR OBFUSCATION RATHER THAN CLARITY,
IN ORDER TO PROTECT THE SENSITIVE NAVFAC UNDERSEA
SURVEILLANCE MISSION. WHEN THAT AGREEMENT WAS NEGOTIATED
WITH THE UK IN 1957, THE UNDERWATER SURVEILLANCE ASPECTS
OF NAVFAC'S MISSION WERE CLEARLY UNDERSTOOD BY BOTH SIDES.
THE AGREEMENT WAS ORIGINALLY INTENDED TO BE A CLASSIFIED
QUOTE SOUND SEARCH AGREEMENT UNQUOTE; ITS PRESENT TITLE
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AND PREAMBLE WERE DRAFTED AT A LATE STAGE IN THE NEGOTI-
ATIONS AFTER IT WAS DECIDED TO PRODUCE AN UNCLASSIFIED
PUBLIC AGREEMENT.

2. PREINDEPENDENCE BRIEFING OF KEY GCOB OFFICIALS WAS CONDUCTED AT AUTECH IN JUNE 1973 BY DOD/ISA INTER-AMERICAN REGION DIRECTOR MGEN WALLACE. (THIS FOLLOWED AN EARLIER BRIEFING DURING FIRST NEGOTIATING SESSION OF SECRETARIES

BAIN, WOOD, AND RUSSELL BY MAJOR GENERAL KENDALL.) AS BEST AS CAN BE ASCERTAINED FROM AVAILABLE RECORDS AND MEMORY OF DOD BRIEFERS, GCOB ATTENDEES WERE: MINISTERS ADDERLEY, HANNA, MAYNARD AND FRANCIS, AND CABINET SECRETARY BAIN. THE BRIEFING CONSISTED OF A CLASSIFIED SCRIPT AND SLIDES (POUCHED SEPARATELY) WHICH WE CONSIDER TO BE THE BRIEFING RECORD. THE BRIEFING TEXT INCLUDED THE FOLLOWING STATEMENT: QUOTE THE MISSION OF THE FACILITY IS TO CONDUCT UNDERSEA RESEARCH AND TO EMPLOY THE RESULTS OF THAT RESEARCH TO ASSIST IN LOCATING SURFACE AND UNDERSEA VESSELS...THROUGH THIS CONTINUING UNDERWATER RESEARCH WE HAVE DEVELOPED METHODS OF DETECTING BOTH SURFACE AND SUBSURFACE VESSELS BY MEANS OF SOUND TRANSMITTED THROUGH WATER...LISTENING DEVICES ARE PLACED IN THE WATER AND PICK UP SOUND WHICH IS RELAYED BACK TO THE MAIN SITE WHERE IT IS ANALYZED. THIS INFORMATION IS THEN USED IN CONJUNCTION WITH SHIPS AND AIRCRAFT TO HELP LOCATE THE VESSEL...NAVFAC ELEUTHERA IS ONE OF MANY IN THE ATLANTIC WHERE WE EMPLOY OUR KNOWLEDGE OF UNDERSEA TECHNOLOGY TO HELP US INSURE THAT WE KNOW THE LOCATION OF POTENTIALLY HOSTILE CRAFT. UNQUOTE. THE ACCOMPANYING SLIDE PRESENTATION STATED THAT THE NAVFAC MISSION INCLUDED QUOTE DETECTION OF SURFACE AND SUBSURFACE VESSELS UNQUOTE. THERE WERE NO COMMENTS MADE BY GCOB OFFICIALS REGARDING THE NAVFAC MISSION NOR DID ANY SUCH DISCUSSIONS ARISE DURING THE NEGOTIATIONS. FYI. THE BRIEFING INFORMATION PRESENTED WAS PRESENTED TO GCOB OFFICIALS AS AN EXCEPTION (NOW EXPIRED) TO NATIONAL DISCLOSURE POLICY AND REMAINS CONFIDENTIAL. END FYI.

3. IN THE CONTEXT OF THIS NEGOTIATING HISTORY WE CONSIDER THAT THE 1973 CONTINUANCE AGREEMENT (T.I.A.S. 7688)
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AUTHORIZES CONTINUING THE UNDERWATER SURVEILLANCE MISSION FOR THE DURATION OF THE PRESENT AGREEMENT. WE FURTHER CONSIDER THAT NO ATTEMPT SHOULD BE MADE TO REVISE AND CLARIFY THE AMBIGUITIES OF THE PRESENT AGREEMENT; PARTICULARLY IN VIEW OF THE PARAMOUNT IMPORTANCE OF AVOIDING PUBLIC DISCLOSURE OF NAVFAC'S UNDERWATER SURVEILLANCE MISSION.

4. LOOKING TO THE FUTURE, WE AGREE IN PRINCIPLE THAT IT WOULD BE PRUDENT TO PREPARE CLEARER LEGAL BASIS FOR NAVFAC'S UNDERWATER SURVEILLANCE MISSION IN THE COURSE OF FORTHCOMING NEGOTIATIONS. HOWEVER, WE REITERATE THAT THE SENSITIVE NATURE OF THAT MISSION MUST BE PROTECTED.

CONSEQUENTLY, WRITTEN REVELATION OF THE PRECISE MISSION TO THE GCOB IS NOT AN ACCEPTABLE ALTERNATIVE. MOREOVER, SHOULD THE GCOB DEMAND FULL DISCLOSURE OF THE NAVFAC MISSION AS A CONDITION TO RENEWAL OF THE AGREEMENT, DOD

WOULD BE COMPELLED TO EXAMINE THE POSSIBILITY OF CLOSURE OF THE FACILITY.

5. WE HAVE THE FOLLOWING APPROACHES UNDER CONSIDERATION FOR RESOLVING THIS MATTER DURING THE NEGOTIATION OF THE NEW AGREEMENT:

A) PROVIDE SENIOR GCOB OFFICIALS WITH A CLASSIFIED BRIEFING ALONG THE LINES OF THE 1973 BRIEFING DESCRIBED ABOVE (THIS WOULD REQUIRE NEW EXCEPTION TO NATIONAL DISCLOSURE POLICY), AND INSERT INTO THE AGREED NEGOTIATING RECORD A STATEMENT OF APPROPRIATE CLASSIFICATION THAT COGNIZANT GCOB OFFICIALS WERE SO BRIEFED. THE TEXT OF THE ANNEX TO THE DRAFT FACILITIES AGREEMENT TABLED IN 1973 WOULD REMAIN AS WRITTEN.

B) PROVIDE GCOB OFFICIALS WITH A BRIEFING AS ABOVE AND REDRAFT THE ANNEX TO THE DRAFT FACILITIES AGREEMENT TO AVOID SEPARATE (AND IN THE CASE OF NAVFAC, LIMITING) DESCRIPTIONS FOR EACH FACILITY. THE ANNEX WOULD BE SO REWRITTEN AS TO EXTEND THE BROAD OPERATING AUTHORITY NOW CONTAINED IN SUBPARAGRAPHS (A) AND (D) TO ALL FACILITIES, INCLUDING THE NAVFAC.

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6. EMBASSY COMMENTS ARE REQUESTED. SISCO

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